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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR06-063-MJP
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 KEITH WARREN ROBERTS,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
(amended)
_____)

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14 An initial hearing on supervised release revocation in this case was scheduled before me
15 on February 9, 2010. The United States was represented by AUSA Andrew Colasurdo and the
16 defendant by Jennifer Wellman for Michael Nance. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about August 28, 2007 by the Honorable Marsha J.
18 Pechman on charges of Felon in Possession of Ammunition and Felon in Possession of a
19 Firearm, and sentenced to 31 months custody, 3 years supervised release. (Dkt. 56.)

20 The conditions of supervised release included the standard conditions plus the
21 requirements that defendant be prohibited from entering any establishment where alcohol is the
22 primary commodity for sale, participate in drug testing and treatment, abstain from alcohol,

01 submit to search, provide financial information to his probation officer upon request, not
02 associate with any known gang members and be prohibited from being a member of the Ghost
03 Riders, or wearing or displaying any gang colors or emblems.

04 In an application dated January 26, 2010 (Dkt. 66-67), U.S. Probation Officer Angela M.
05 McGlynn alleged the following violations of the conditions of supervised release:

06 1. Committing the crime of assault 4th degree, in violation of the special condition
07 prohibiting the defendant from committing any new federal, state, or local crimes.

08 2. Consuming alcohol on or before January 23, 2010, in violation of the special
09 conditions prohibiting the defendant from consuming alcohol or other intoxicants.

10 3. Failing to pay the mandatory penalty assessment of \$200 in violation of the special
11 condition requiring the defendant to pay the mandatory special assessment as instructed by the
12 probation officer.

13 Defendant was advised in full as to those charges and as to his constitutional rights.

14 Defendant admitted alleged violation 2 and waived any evidentiary hearing as to whether
15 it occurred. He requested an evidentiary hearing before a Magistrate Judge on violations 1 and
16 3. (Dkt. 69.) On February 16, 2010, the government moved to dismiss alleged violation 1.
17 Defendant admitted violation 3 and waived any evidentiary hearing as to whether it occurred.

18 I therefore recommend the Court find defendant violated his supervised release as alleged
19 in violations 2 and 3, and that the Court conduct a hearing limited to the issue of disposition. I
20 recommend the Court dismiss violation 1.

01 Pending a final determination by the Court, defendant has been detained.

02 DATED this 16th day of February, 2010.

03 

04 Mary Alice Theiler
05 United States Magistrate Judge

06 cc: District Judge: Honorable Marsha J. Pechman
07 AUSA: Andrew Colasurdo
08 Defendant's attorney: Jennifer Wellman, Michael Nance
09 Probation officer: Angela McGlynn, Lorraine Bolle
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